Supreme Court, U.S.
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No. 95-1666

IN THE
Supreme Court of the United States
OCTOBER TERM, 1995

BABCOCK & WILCOX COMPANY,
Petitioner,
v.
SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF SAN FRANCISCO,
Respondent.

MATSON NAVIGATION COMPANY, INC., WATTERS MARINE, INC., WEYERHAEUSER COMPANY (IMPROPERLY NAMED AS F.E. WEYERHAEUSER), HEUBLEIN, INC. (AS SUCCESSOR IN INTEREST TO UNITED VINTNERS, INC.), AMERICAN PRESIDENT LINES, LTD., AND MOBIL OIL CORPORATION,
Real Parties In Interest For Respondent

On Petition For A Writ Of Certiorari To The Supreme Court Of The State Of California

PETITIONER'S SUPPLEMENTAL BRIEF

Of Counsel:

BROWN, SIMS, WISE & WHITE
One Post Oak Central
2000 Post Oak Boulevard
Suite 2100
Houston, Texas 77056-4496

KENNETH G. ENGERRAND
Counsel of Record
2000 Post Oak Boulevard
Suite 2100
Houston, Texas 77056-4496
(713) 629-1580

Attorney for Petitioner,
Babcock & Wilcox Company

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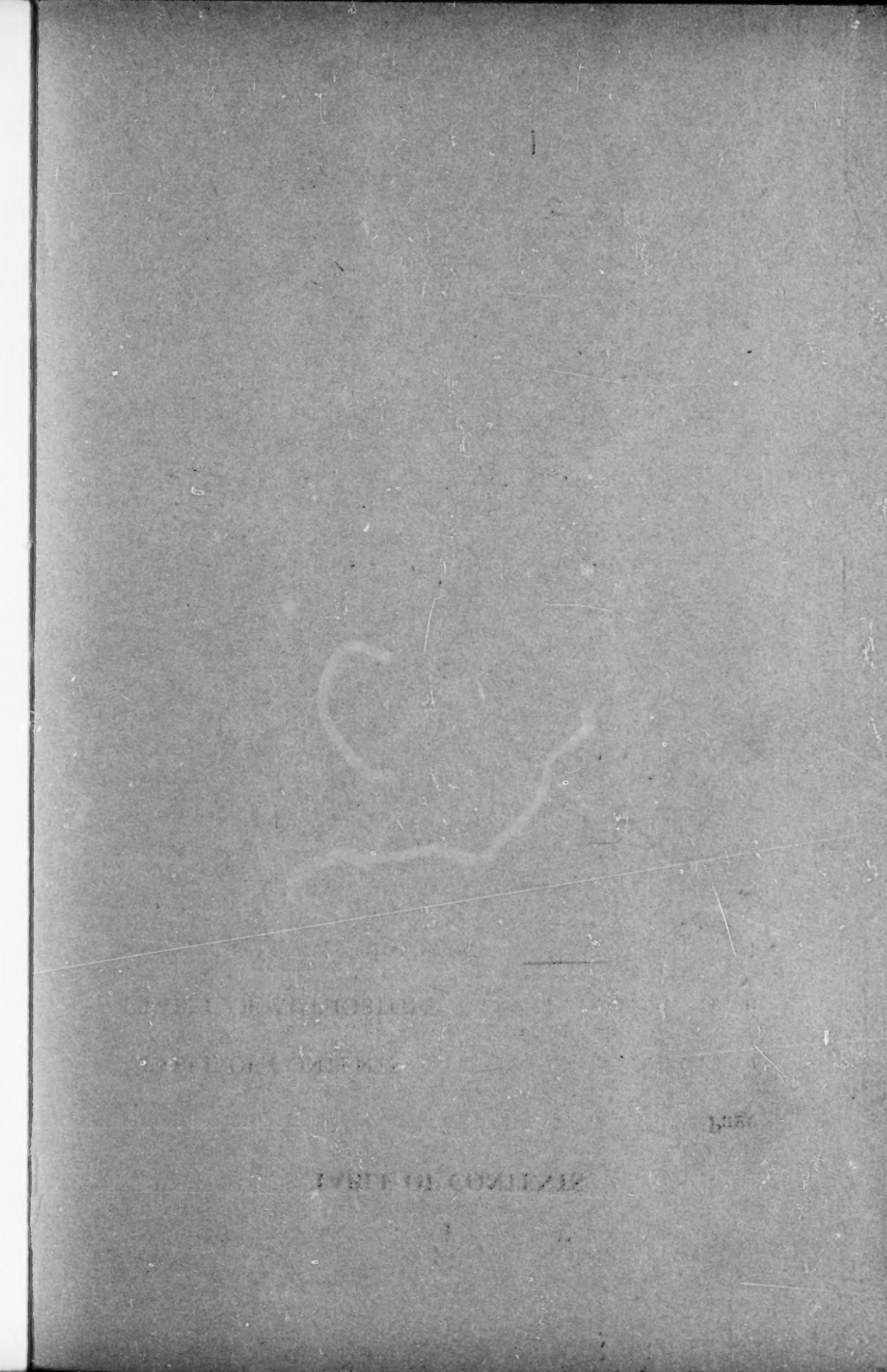


TABLE OF CONTENTS

Page

TABLE OF CONTENTS i

TABLE OF AUTHORITIES ii

SUPPLEMENTAL ARGUMENT 1

TABLE OF AUTHORITIES

CASES

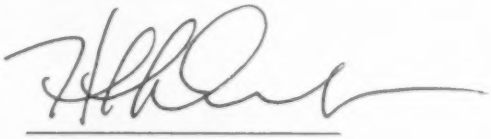
Page(s)

Exxon Company, U.S.A. v. Sofec, Inc.,
No. 95-129 (1996 WL 305713) 1

PETITIONER'S SUPPLEMENTAL BRIEF

In its decision today in *Exxon Company, U.S.A. v. Sofec, Inc.*, No. 95-129 (1996 WL 305713), the Court stated in footnote 2 that "there may be a distinction between a system allocating damages on the basis of comparative culpability, and a system allocating damages on the basis of both comparative culpability and the degree to which fault proximately or foreseeably contributed to an injury." The Court did not take a position on which of these systems is the appropriate one, assuming there is a distinction between them. The captioned case presents the Court with the opportunity to define the standard for allocation of comparative fault or culpability. *See* Petition For A Writ of Certiorari, pp. 25-26.

Respectfully submitted,



KENNETH G. ENGERRAND
Counsel of Record
2000 Post Oak Boulevard
Suite 2100
Houston, Texas 77056
(713) 629-1580

Attorney for Petitioner,
Babcock & Wilcox Company

Of Counsel:

BROWN, SIMS, WISE & WHITE
One Post Oak Central
2000 Post Oak Boulevard
Suite 2100
Houston, Texas 77056-4496